

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>PAUL WILLIAM BEATTY,</b>	)	
<b>Petitioner,</b>	)	<b>C.A. No. 19-184 Erie</b>
	)	
<b>v.</b>	)	<b>District Judge Susan Paradise Baxter</b>
	)	<b>Magistrate Judge Richard A. Lanzillo</b>
<b>KEVIN KAUFFMAN, et al.,</b>	)	
<b>Respondents.</b>	)	

**MEMORANDUM ORDER**

This *pro se* action for habeas corpus relief was filed on June 28, 2019, by Petitioner Paul William Beatty, an inmate incarcerated at the State Correctional Institution at Huntingdon, Pennsylvania. In his habeas petition, Petitioner seeks relief under 28 U.S.C. § 2254, raising sixteen (16) grounds for relief, consisting of thirteen (13) claims of ineffective assistance of trial counsel (claims 1-12, 15), and three claims of due process violations (claims 13-14, 16). The petition was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

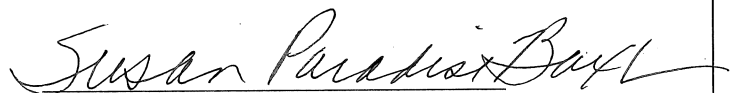
On October 12, 2021, Magistrate Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that the petition be denied and that the issuance of a Certificate of Appealability be denied [ECF No. 25]. In particular, Judge Lanzillo found that: (1) claims 7, 10, 13, and 14 were procedurally defaulted, and Petitioner has failed to demonstrate either cause for the default and actual prejudice resulting therefrom, or a fundamental miscarriage of justice if the defaulted claims are not considered; (2) claim 16 is not cognizable in a habeas petition because it challenges PCRA court proceedings; and (3) the remaining claims fail to state cognizable grounds for habeas relief because Petitioner has failed to establish either (a) that the Superior

Court's decision was contrary to, or involved the unreasonable application of clearly established federal law, as determined by the United States Supreme Court, or (b) that the decision was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceedings. Lengthy objections to the R&R were filed by Petitioner on November 24, 2021, which largely expand upon the same arguments previously raised in his response to show cause order filed with the Court on June 3, 2021 [ECF No. 24]; however, Plaintiff's objections fail to raise any cognizable grounds upon which to overturn Judge Lanzillo's recommendation.

Thus, after *de novo* review of the petition and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 17th day of May, 2022,

IT IS HEREBY ORDERED that the within petition for a writ of habeas corpus is DENIED, with prejudice, and the issuance of a Certificate of Appealability is also DENIED. The report and recommendation of Magistrate Judge Lanzillo, dated October 12, 2021 [ECF No. 25], is adopted as the opinion of this Court. As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."



SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
United States Magistrate Judge

All parties of record